

QUINN EMANUEL URQUHART & SULLIVAN, LLP

Diane M. Doolittle (CA Bar No. 142046)
dianedoolittle@quinnemanuel.com
Sara Jenkins (CA Bar No. 230097)
sarajenkins@quinnemanuel.com
555 Twin Dolphin Drive, 5th Floor
Redwood Shores, CA 94065
Telephone: (650) 801-5000
Facsimile: (650) 801-5100

Andrew H. Schapiro (admitted *pro hac vice*)
andrewschapiro@quinnemanuel.com
Teuta Fani (admitted *pro hac vice*)
teutafani@quinnemanuel.com
Joseph H. Margolies (admitted *pro hac vice*)
josephmargolies@quinnemanuel.com
191 N. Wacker Drive, Suite 2700
Chicago, IL 60606
Telephone: (312) 705-7400
Facsimile: (312) 705-7401

Stephen A. Broome (CA Bar No. 314605)
stephenbroome@quinnemanuel.com
Viola Trebicka (CA Bar No. 269526)
violatrebicka@quinnemanuel.com
Crystal Nix-Hines (CA Bar No. 326971)
crystalnixhines@quinnemanuel.com
Alyssa G. Olson (CA Bar No. 305705)
alyolson@quinnemanuel.com
865 S. Figueroa Street, 10th Floor
Los Angeles, CA 90017
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

Josef Ansorge (admitted *pro hac vice*)
josefansorge@quinnemanuel.com
Xi ("Tracy") Gao (CA Bar No. 326266)
tracygao@quinnemanuel.com
Carl Spilly (admitted *pro hac vice*)
carlspilly@quinnemanuel.com
1300 I Street NW, Suite 900
Washington D.C., 20005
Telephone: (202) 538-8000
Facsimile: (202) 538-8100

Jomaire Crawford (admitted *pro hac vice*)
jomairecrawford@quinnemanuel.com
51 Madison Avenue, 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100

Jonathan Tse (CA Bar No. 305468)
jonathantse@quinnemanuel.com
50 California Street, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700

Counsel for Defendant Google LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CHASOM BROWN, *et al.*, individually and
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**DECLARATION OF DONALD SETH
FORTENBERY IN SUPPORT OF
GOOGLE LLC'S ADMINISTRATIVE
MOTION TO SEAL PORTIONS OF
JOINT SUBMISSION RE:
PRESERVATION IN LIGHT OF CLASS
CERTIFICATION ORDER**

Judge: Hon. Susan van Keulen, USMJ

1 I, Donald Seth Fortenbery, declare as follows:

2 1. I am a member of the bar of the State of Kentucky and an attorney for Quinn Emanuel
3 Urquhart & Sullivan, LLP, which serves as Google's outside counsel in this litigation. I have been
4 admitted pro hac vice in this matter. Dkt. 547. I make this declaration of my own personal, firsthand
5 knowledge, and if called and sworn as a witness, I could and would testify competently thereto.

6 2. Pursuant to Civil Local Rule 79-5, I submit this declaration in support of Google
7 LLC's Administrative Motion to Seal Portions of Joint Submission Re: Preservation in Light of
8 Class Certification Order ("Joint Submission"). In making this request, Google has carefully
9 considered the relevant legal standard and policy considerations outlined in Civil Local Rule 79-5.
10 Google makes this request with the good faith belief that the information sought to be sealed consists
11 of Google's confidential and proprietary information and that public disclosure could cause
12 competitive and other harm.

13 3. Google respectfully requests that the Court seal the redacted portion of the parties'
14 Joint Submission.

15 4. The information requested to be sealed contains Google's confidential and
16 proprietary information regarding highly sensitive features of Google's internal systems and
17 operations, including details related to Google's internal metrics, data fields, and processes, that
18 Google maintains as confidential in the ordinary course of its business and is not generally known
19 to the public or Google's competitors.

20 5. Such highly confidential and proprietary information reveals Google's internal
21 strategies, system designs, and business practices, and falls within the protected scope of the
22 Protective Order entered in this action. *See* Dkt. 81 at 2-3.

23 6. Public disclosure of such highly confidential and proprietary information could affect
24 Google's competitive standing as competitors may alter their system designs and practices relating
25 to competing products, time strategic litigation, or otherwise unfairly compete with Google. It may
26 also place Google at an increased risk of cyber security threats, as third parties may seek to use the
27 information to compromise Google's infrastructure.

1 I declare under penalty of perjury of the laws of the United States that the foregoing is true
2 and correct. Executed in Hoboken, New Jersey on January 6, 2023.

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4 DATED: January 6, 2023

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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6
7 By /s/ Donald Seth Fortenbery
8 Donald Seth Fortenbery
9 Attorney for Defendant
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